

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

AMERIQUEST MORTGAGE COMPANY,

Plaintiff,

NO. 07-14574

v.

HON. MARIANNE O. BATTANI

ANTHONY C. SAVALLE ,
DEBRA L. SAVALLE, husband and
wife, EMCC, INC., MORTGAGE
ELECTRONIC REGISTRATION SYSTEMS,
INC., HOMECOMINGS FINANCIAL
NETWORK, INC., and UNITED STATES
DEPARTMENT of TREASURY--INTERNAL
REVENUE SERVICE,

Defendants.

_____ /

**OPINION AND ORDER GRANTING HOMECOMINGS
FINANCIAL LLC'S MOTION TO AMEND ORDER**

This matter is before the Court on Homecomings Financial LLC's Motion to Amend Order. After Homecomings filed its Motion to Amend, the Court issued a scheduling order setting October 14, 2009, as the deadline for filing a response. The Court informed the parties that this matter would be decided without oral argument. See E. D. Mich. LR 7.1(e)(2). No party has filed a response to the motion. For the reasons that follow, the Court **GRANTS** the motion.

Homecomings and Mortgage Electronic Registration Systems, Inc., filed a Motion for Summary Judgment against Anthony and Debra Savalle, which challenged the enforceability of an adjustable rate note signed by Anthony Savalle and a mortgage signed by both Anthony and Debra Savalle. The Court denied the motion. See Doc.

No. 76. Homecomings asserts that even though the Court denied its motion, it found in favor of Homecomings as to the adjustable rate note.

Rule 60(a) authorizes relief from judgment based on a clerical error, and the Court finds that Homecomings is entitled to the relief requested. Specifically, the Court found in its Opinion and Order that Anthony Savalle breached the parties' contract relative to the note even though the Court declined to award Homecomings summary judgment on the mortgage or its priority claim against Plaintiff. Accordingly, the Court **GRANTS** Homecomings' Motion to Amend Order.

IT IS SO ORDERED.

s/Marianne O. Battani
MARIANNE O. BATTANI
UNITED STATES DISTRICT JUDGE

Dated: November 20, 2009

CERTIFICATE OF SERVICE

Copies of this Order were served upon Counsel of record on this date by ordinary mail and/or electronic filing.

s/Bernadette M. Thebolt
Case Manager